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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,411	12/12/2003	Richard Michael Fenger	ABN0014-US	9115
36183 7590 03/10/2009 PAUL, HASTINGS, JANOFSKY & WALKER LLP 875 15th Street, NW Washington, DC 20005			EXAMINER SHUMATE, PAUL W	
			ART UNIT	PAPER NUMBER
			3693	
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			03/10/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/733,411

Applicant(s)

FENGERT ET AL.

Examiner

PAUL SHUMATE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-11 and 13-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, and 13-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the communication filed on 7/2/2008.
2. Claims 1, 4, and 6-9 have been amended by Applicant.
3. Claims 5 and 12 have been canceled by Applicant.
4. Claims 1-4, 6-11, and 13-34 are currently pending.
5. All pending claims have been examined and stand rejected.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim(s) 1, 4, 6-11, 13-19, and 22-33 rejected under 35 U.S.C. 103(a) as being unpatentable over Internet Archive's CheckFree Website, <http://web.archive.org/web/20000510083954/www.checkfree.com>, hereinafter CheckFree, in view of Reed, David. "Naming and Synchronization in a Decentralized Computer System." Massachusetts Institute of Technology, 1978, hereinafter Reed, further in view of Golubchik et al., U.S. Patent No. 7,181,623.

As per claim(s) 1, 4, 6-11, 13-19, and 22-33, CheckFree teaches a client/server system and method for reconciliation (see at least the section "CheckFree Reconciliation Solutions" on pages 3-4) comprising:

- receiving files of financial information (see at least page 5 paragraph(s) 4,5)

- automatically checking for receipt of the electronic files against a list of electronic files expected to be received to ascertain whether files in the list of electronic files expected have been received, ascertaining whether the files have been received on time (see at least page 2 paragraph(s) 4, page 7, paragraph(s) 2, page 10 paragraph(s) 6,7, page 16 paragraph(s) 1,4, page 17 paragraph(s) 4, and page 22 paragraph(s) 3), and if not, initiating a notification procedure (see at least page 10 paragraph(s) 10, page 17 paragraph(s) 5, and page 18 paragraph(s) 3)
- displaying status information with respect to the state of files receipt and the step of performing financial reconciliation (see at least page 5 paragraph(s) 2 and page 10 paragraph(s) 6, 7, 10)
- wherein the data are stored in the files by different business entities (see at least page 8 paragraph(s) 1,2)
- performing financial reconciliation on the data in the first and second files (see at least page 3 paragraph(s) 1, page 6 paragraph(s) 7, and page 16 paragraph(s) 1,4)
- wherein the data are stored in the files in accordance with a format expected by a system that performs the financial reconciliation (see at least page 5 paragraph(s) 6 and page 9 paragraph(s) 5,6)
- performing data matching (see at least page 3 paragraph(s) 1,3,6, page 4 paragraph(s) 1, page 5 paragraph(s) 7, and page 7 paragraph(s) 2) and further performing financial reconciliation between a file and one or more other files (see at least page 3 paragraph(s) 1, page 6 paragraph(s) 7, and page 8 paragraph(s) 2)
- maintaining a status information web page for end users to view. (specifically see at least page 10 paragraph(s) 7 and page 17 paragraph(s) 2, additionally, see page 3 paragraph(s) 6 and page 7 paragraph(s) 1)
- wherein the electronic files represent collections of financial transactions (see at least page 5 paragraph(s) 4-6 and page 6 paragraph(s) 7)

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- transferring generated reports to predetermined locations (see at least page 14 paragraph(s) 1-2)

Regarding the following limitations:

- wherein different instances of the system that performs the financial reconciliation operate in conjunction with the files at the predetermined locations
- wherein versioning comprises renaming the files and appending names of the files with at least one of a date and a time stamp

CheckFree generally teaches or at least suggests allowing different instances of the system to operate in conjunction with files in least the bulleted list on page 22 where CheckFree teaches concurrent online and batch processing. CheckFree generally teaches or at least suggests versioning files in at least the bottom of page 6 where CheckFree teaches developing a complete audit trail for every transaction and every action effecting it through the master file, the history file and the purge file, and also in the paragraph beginning with "The CheckFree STORER component" on page 14 where CheckFree teaches electronically archiving reports.

Additionally, Reed teaches an approach to synchronization of accesses to shared data objects accessed by concurrently running computations in a decentralized distributed computing system (see at least page 3 paragraphs 1 and 3, page 7 paragraph 1) where "a distributed set of application development tools that can transparently share files across a network (see at least page 8 paragraph 2)" while implementing protection mechanisms "to ensure that unauthorized sharing of or tampering with data does not occur (see at least page 12 paragraph 2)." Synchronization of accesses to shared data "in NAMOS is based on a mechanism for naming states of the system and objects (see at least page 19 paragraph 4)" where each time a data file is accessed, its name is stamped with the date and time which enables data files to be concurrently accessed by several processes independently executing computations access the same object (see at least page 47 paragraph 2 and page 60 paragraph 3).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the old and well known teachings of Reed into the large scale financial reconciliation system and method taught by CheckFree to allow multiple instances or processes of a

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decentralized system to concurrently access shared data by using a file naming and versioning mechanism because this increases system performance by allowing concurrent processing to be done on shared data while providing concurrency control to assure accurate database synchronization (see at least page 47 paragraph 2, page 60 paragraph 3, and page 166 paragraph 2 in Reed). This also provides for multiple versions of a file to be archived for later access if necessary while generally accessing a data file gets the most recent version by default (See at least page 21 paragraph 1 and page 25 paragraphs 3 and 4 in Reed)

Regarding the following limitations:

- a file sweeper that is operable to sweep files received at the server to other locations
- automatically sweeping files to predetermined locations

CheckFree generally teaches or at least suggests automatically sweeping files in at least the paragraph beginning with "RECON SOLVER automatically guides..." on page 12 where CheckFree teaches automatically routing data to appropriate locations. The examiner asserts that technologies such as routers and proxy servers that automatically sweep or forward received data files to predetermined locations are old and well known in the art of computer networking and scalable decentralized systems. As an example, Golubchik teaches a scalable infrastructure design for preventing overloads in wide-area upload applications (see at least column 3 lines 1-5) which includes a single authenticator and upload proxy server (see at least column 7 lines 44-50) which time-stamps data before it is transferred to a destination location on a network (see at least column 3 lines 1-12) and then routes the received files to their destination server when the destination server is ready (see at least Figure 5, column 5 lines 56-59). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a router or proxy server as taught in Golubchik into the large scale financial reconciliation system taught by CheckFree because doing so would help prevent system overloads while improving system efficiency and scalability (see at least column 1 lines 15-19 and column 2 lines 5-10) and time stamping received files helps keep track of data versions as explained in Reed and also ensures that data has not tampered with while being moved across the network (see at least column 6 lines 65-67).

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8. Claim(s) 2, 3, 20, 21, and 34 rejected under 35 U.S.C. 103(a) as being unpatentable over CheckFree, in view of Reed, in view of Golubchik, further in view of Official Notice.

9. As per claim(s) 2, 3, 20, 21, and 34, CheckFree, Reed, and Golubchik teach claims 1, 9, and 33 as shown above, but do not teach the following limitations:

- the server including a file transfer service which is consistent with the File Transfer Protocol (FTP)
- storing files in specific locations based on predetermined business relationships
- wherein the step of displaying status information comprises simultaneously displaying names of the predetermine locations, and at least one of the first and second files
- wherein the step of displaying status information comprises indicating a state of a task by highlighting at least some displayed information with predetermined colors.
- wherein the predetermined locations comprise locations on the central computer.

The examiner takes Official Notice that transferring files according to the File Transfer Protocol (FTP), storing related data files in similar locations, displaying various amounts of related information, and highlighting information to draw attention to it are old and well known in the arts of computer networks, databases, and/or webpage design. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify CheckFree by incorporating such Official Notices as such technologies and/or methodologies are standard and conventional in the art.

Adequate traversal of Official Notice is a two-step process. First, applicant(s) must state their traversal on the record. Second and in accordance with 37 C.F.R. 1.111(b) which requires applicant(s) to specifically point out the supposed errors in the Office Action, applicant(s) must state why the Official Notice statement(s) are not to be considered common knowledge or well known in the art. In this application, Applicant has failed to state their traversal on the record and has further failed to argue why the Official Notice as set forth in the previous action are not to be considered common knowledge or well known in the art. Because Applicant's traversal is inadequate, the Official Notice statement(s) are taken to be admitted as prior art. See MPEP 2144.03.

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Applicant's arguments filed 7/2/2008 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Shumate whose telephone number is 571-270-1830. The examiner can normally be reached on M-F 8:30 AM - 6:00 PM, EST alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Name: Paul W. Shumate
Title: Patent Examiner
Date: 10/27/2008
Signature: /Paul Shumate/
Examiner, Art Unit 3693

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693